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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/696,042	10/29/2003	Maya Benson	CE00532UM	6040	
20280	7590	02/19/2009	EXAMINER		
MOTOROLA INC		RAMPURIA, SHARAD K			
600 NORTH US HIGHWAY 45		ART UNIT		PAPER NUMBER	
W4 - 39Q		2617			
LIBERTYVILLE, IL 60048-5343					
		NOTIFICATION DATE		DELIVERY MODE	
		02/19/2009		ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MAYA BENSON and MICHAEL D. KOTZIN

Appeal 2009-3128
Application 10/696,042
Technology Center 2600

Mailed: February 17, 2009

Before DALE M. SHAW, *Chief Appeals Administrator.*

ORDER DISMISSING APPEAL

On August 1, 2007, Appellants filed a Notice of Appeal. On February 10, 2009, counsel for the Appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR ' 1.114. Pursuant to the notice entitled ARequest for Continued Examination Practice and Changes to Provisional Application Practice,@ 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR ' 1.114(d), a request for continued examination under 37 CFR ' 1.114 filed after appeal has been taken, but prior to a decision on the appeal, Awill be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.@

Appeal 2009-3128
Application 10/696,042

Accordingly, it is

ORDERED that the appeal filed August 1, 2007 is dismissed. The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

tdl

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